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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,006	03/27/2001	Merrill W. Harriman	SAA-0058	2027

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INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

CHRISTMAN, KATHLEEN M

ART UNIT PAPER NUMBER

3713

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/818,006

Applicant(s)

HARRIMAN, MERRILL W.

Examiner

Kathleen M Christman

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-28 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 3713

DETAILED ACTION

In response to the amendment filed 11/12/2003 claims 1-27 and newly added claim 28 are pending.

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 28 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed does not provide support for the newly added claim limitation of "programming the programmable logic controller is accomplished via programming input that only comes from the user".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3713

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-11, 13-18, 20-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang et al (US 5535422) in view of Mustafa (US 2002/0059378 A1). Regarding claims 1, Chiang et al teaches a system and method for training a user on a software product, wherein the user is provided a training hyperlink option in response to the user encountering difficulties, or an error as in claim 3, with programming, and linking the user to customized training resources addressing the difficulties based on the information, so as to provide the user solutions to the difficulties (see col. 18: 65-67). Information is retrieved upon selection of the training hyperlink; see the description of the "Show-Me" features. The training hyperlink option provided in response to a request by the user (claim 2) is taught at col. 18: 55-57. The information comprising data indicating at least one part of the software being used by the user (claim 4) is taught at col. 19: 9-11.

Chiang et al fails to teach that information is communicated automatically over a communications network (claim 1), that training resources comprise materials are: presented at an internet web-site (claim 6), are multimedia presentations (claim 7), or a link to a customer service representative (claim 8), that the communications network is a secure network (claim 9) or a private internal network (claim 10), that the training resources are modifiable (claim 13) and can be modified without changes to the software (claim 14).

Mustafa teaches that a communications network for transferring help information in paragraph 04. The various networks and types of training materials are taught in paragraphs 28-30. The ability to modify the training resources without changing the product is taught in the description and use of the "client profile". Specifically, see paragraph 41, which discusses downloading updated information to the user.

Art Unit: 3713

It would have been obvious to one of ordinary skill in the art at the time the invention was made to update the features of the Chiang et al invention with the on-line features of the Mustafa invention so as to provide for a more diverse help feature.

It is noted that neither the Chiang et al nor Mustafa inventions are directly drawn to the "software for programming a programmable logic controller". It is the examiner's position that the specific claimed application of the software is not a patentably distinguishing feature. It is old and well known in the art that various software packages may be used during the process of programming a programmable logic controller. The Chiang et al invention is drawn to providing help when a user encounters difficulties in a generic software program and as such is equally applicable to any software product. The Mustafa invention is drawn to a general help feature and not limited to any particular product. As such it is the examiner's position that one of ordinary skill in the art could easily modify the system for use with a software application.

Claims 15-18, and 20-24 are a system which corresponds in scope to the method claims 1-4, 6-11, 13 and 14, respectively, and are rejected for the same reasons.

Regarding claims 25 and 26, the limitations of these claims are taught in the "Monitoring User Actions" section of Chiang et al, see col. 15.

Regarding claim 27, the claim represents an intended use of the user device as it is disclosed in claim 15. It is the examiner's position that the computer system of Chiang et al is capable of performing this function.

4. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang et al (US 5535422) in view of Mustafa (US 2002/0059378 A1) further in view of Gardner et al (US 5239617). Chiang et al and Mustafa teach all the limitations of the claimed invention as shown above except for the information containing data indicating at least one particular error made by the user. Gardner et al clearly teaches this ability at col. 5: 4-9. It would have been obvious to one of ordinary skill in the art to combine the abilities of Gardner to point out a specific error with the inventions of Chiang et al and Mustafa so as to provide an intelligent help system which is tailored to the user's specific needs.

Response to Arguments

5. The rejection under 35 U.S.C. §101 of claims 1-27 has been overcome with the current amendments to claims.

6. Applicant's arguments filed 11/12/2003 have been fully considered but they are not persuasive. With respect to the arguments against Chiang, applicant has primarily argued that the current invention will "assist" the user in programming the programmable logic controller and that the Chiang reference instead performs the next step of the process. Claim 1 recites: "linking the user to customized training resources addressing the difficulties based on the information communicated over the communication network, so as to provide the user solutions to the difficulties, assisting the user to proceed with programming the programmable logic controller". Generally speaking this limitation merely recites that the user is linked to customized training resources, which will aid them in overcoming the difficulty that was encountered so that the user may continue on the task of programming the programmable logic controller. There is nothing in this recitation that states that customized training resources cannot and do not perform a step of the task, particularly the step where the user encounters a difficulty. It is true that the show-me feature of Chiang does perform the next-step or action of the programming process, see col. 18: 54-55. It would be clear to those of ordinary skill in the art that once this step is completed the user will be able to continue on their task of finishing the program.

Regarding the arguments made against Mustafa, applicant has made a general assertion that the reference fails to teach the use of "training" materials and that "it is quite a stretch to suppose that Mustafa provides help with products, and that those products include software products, and that the help includes any type of training, and that the training is modifiable while the software product remains unmodified. The examiner has not made any such conclusions about the Mustafa invention. Mustafa has been relied upon purely for its teaching of an on-line automated help system. It is within the ordinary skill in art to understand that when someone is asking for "help" through a customer service system (such as the one of Mustafa) they are asking for help on some product. Further, the phrase "help" is an

Art Unit: 3713

accepted as being synonymous with the phrase "training" within the art of educational systems. Lastly, with regard to claim 14, applicant has made the general assertion that Mustafa fails to teach the limitations of the claim. However, the examiner has specifically pointed to those areas of Mustafa believed to teach this limitation. Absent any direct arguments as to why these sections do not teach the claimed limitation the examiner cannot respond to such an allegation.

Allowable Subject Matter

7. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

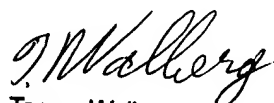
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 7:30-5:00.

Art Unit: 3713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Kathleen M. Christman


Teresa Walberg
Supervisory Patent Examiner
Group 3700